

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

RONALD J. DAVENPORT, et al.,
Defendants.

No. CV-08-0158-FVS

ORDER DENYING DEFENDANT'S
MOTION FOLLOWING APPEAL

On June 3, 2010, Mr. Davenport appealed to the United States Court of Appeals for the Ninth Circuit. (Ct. Rec. 158). Following the filing of a notice of appeal, Defendant filed a motion to set aside an order of this Court. (Ct. Rec. 164). That motion is now before the Court.

RULING

The filing of a notice of appeal strips the district court of jurisdiction over the case involved in the appeal. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58, 103 S.Ct. 400, 401, 74 L.Ed.2d 225 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance-it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Accordingly, the Court finds that Mr. Davenport's recently filed motion (**Ct. Rec. 164**) shall be **DENIED without prejudice and with leave to renew** before the Ninth Circuit. **NO FURTHER FILINGS WILL BE PERMITTED IN THIS CASE.**

S/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge